

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EMMANUEL FERNANDEZ,

Plaintiff,

-against-

**STIPULATION OF
SETTLEMENT OF
ATTORNEYS' FEES**

12-CV-3758 (FB)(RER)

Police Officer WILLIAM BEATTIE, Shield No. 2878;
Police Officer CLEAVENS DUCHATELIER, Shield No.
2279; Lieutenant NEIL ZUBER, Shield 4696; and Police
Officers JOHN and JANE DOES 1 through 10,
individually and in their official capacities (the names John
and Jane Doe being fictitious, as the true names are
presently unknown),

Defendants.
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WHEREAS, Plaintiff Emmanuel Fernandez commenced this action by filing a complaint on or about July 30, 2012, and an amended complaint on or about January 21, 2013, alleging a violation of his civil rights; and

WHEREAS, defendants have denied any and all liability arising out of Plaintiff's allegations; and

WHEREAS, the parties entered into a settlement agreement to settle this case for \$200,001.00 plus reasonable attorneys' fees, costs, and expenses, up to April 19, 2013; and

WHEREAS, the parties now desire to resolve the issue of attorneys' fees, costs and expenses, without further proceedings; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York shall pay to Plaintiff's counsel, Harvis, Wright, Saleem & Fett LLP, the sum total of THIRTY TWO THOUSAND FIVE HUNDRED DOLLARS (\$32,500.00) in full satisfaction of Plaintiff's attorneys' fees, expenses and costs; and

2. This Stipulation of Settlement of Attorneys' fees ("Stipulation") shall not be construed to be an admission by any of the defendants that they have in any manner or way violated Plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York; and

3. This Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, and nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

Dated: New York, New York
_____, 2013

HARVIS WRIGHT SALEEM & FETT LLP
Attorneys for Plaintiff
305 Broadway, 14th Floor
New York, New York 10007

By:  5-15-13

Gabriel Harvis, Esq.
Attorney for Plaintiff

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007

By: 

Matthew J. Modafferi
Assistant Corporation Counsel

SO ORDERED:

HON. FREDERIC BLOCK
U.S.D.J.